

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MORGAN HARDY, a minor, and b/n/f)
MICHAEL HARDY and LISA HARDY)
AND,)

MICHAEL HARDY and LISA HARDY,)
Individually,)

Plaintiffs,)

vs.)

JAMES E. MATHIS,)

And,)

BARI ITALIAN FOOD, INC.)

Defendants)

CIVIL ACTION
NO. 3:04-CV-322

ORDER APPROVING MINOR SETTLEMENT

This cause came on to be heard on the 19th day of JAN. 2006, upon the request of the plaintiffs, Lisa Hardy and Michael Hardy, individually and as next friends, natural parents and guardians of the minor Morgan Hardy, for approval of a minor's settlement pursuant to Title 34, Chapters 1, 2 and 3 of the Tennessee Code Annotated and other applicable law.

Whereupon, the Court examined the affidavits of Lisa Hardy and Michael Hardy in accordance with Tennessee Code Annotated 29-34-105 attached hereto and incorporated by reference herein as Exhibit 1 and Exhibit 2 to this Order. After

considering said affidavits and considering the medical reports concerning the minor daughter's injuries, the Court finds as follows:

1. Morgan Hardy is a minor child whose date of birth is October 9, 1995.
2. On or about August 1, 2003, the minor child, Morgan Hardy, was a passenger in the left rear seat of a Mercury Sable automobile being driven by Lisa Hardy, when that vehicle was involved in an accident with a tractor trailer being driven by James Mathis, who was in the employ of Bari Italian Food, Inc.
3. After the accident, Morgan Hardy complained of some back, shoulder and neck pain and was taken to Lakeview Medical Center on August 8, 2003, where she was examined and x-rays were taken, which showed the lumbar spine as radiographically normal. The diagnosis was "back sprain, MVA." The medical bill for that visit was \$155.00. Her condition improved and Morgan Hardy did not require further treatment.
4. In order to buy peace and to obtain a Release and Discharge from any and all potential and/or possible future liability as a result of the August 1, 2003, accident, the defendants, Bari Italian Food, Inc. and James Mathis propose to pay the total sum of One Thousand, Five Hundred Dollars (\$1,500.00) in full and complete satisfaction of any obligation or liability they may have to Lisa Hardy and/or Michael Hardy, whether individually and/or as parents, guardians and next friends of Morgan Hardy, and in full and complete satisfaction of any obligation or liability to Morgan Hardy, individually, both during and after her minority; and, in consideration of same, Lisa Hardy and

Michael Hardy, individually, and as parents, guardians and next friends of Morgan Hardy will forever release and discharge defendants James Mathis and Bari Italian Food, Inc., from any and all future obligations whatsoever arising out of the afore-referenced accident, and that any potential future liability of James Mathis and/or Bari Italian Food, Inc. should be extinguished as to the minor forever, based upon a finding that the settlement is in the best interest of the minor according to law.

5. The Court finds that the minor child, Morgan Hardy and her parents, natural guardians and next friends, Lisa Hardy and Michael Hardy are willing to accept One Thousand Five Hundred Dollars (\$1,500.00) in full settlement of all claims of the minor Morgan Hardy, arising out of the afore-referenced accident of August 1, 2003.
6. The consideration and settlement sum of One Thousand, Five Hundred Dollars (\$1,500,00) shall be paid by defendants' insurer's check to Lisa Hardy and her attorney in full settlement for out of pocket expenses, support, education and maintenance of the minor daughter, Morgan Hardy.
7. Plaintiffs' attorneys Thomas M. Parker, Esq. and Stanley F. LaDuke, Esq., certify and acknowledge by their signatures below that there are no TennCare or Medicare liens existing on this matter.
8. Upon consideration of the Complaint, the other pleadings, and the above, the Court pursuant to law finds that the compromise and settlement herein proposed is in the best interest of the minor plaintiff, Morgan Hardy. It is accordingly,

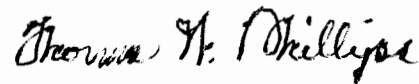
ORDERED, ADJUDGED and DECREED as follows:

1. The defendants, James Mathis and Bari Italian Food, Inc., by their insurer's check, as set forth above, shall pay One Thousand Five Hundred Dollars (\$1,500.00) to Lisa Hardy and her attorney, Thomas M. Parker.
2. Upon payment of the sum of One Thousand Five Hundred Dollars (\$1,500.00), the defendants James Mathis and Bari Italian Food, Inc. shall be fully and completely released, acquitted and discharged from any and all past, present or existing future liability to either the minor, Morgan Hardy, individually, or Lisa Hardy and/or Michael Hardy, whether individually or as parents, natural guardians or next friends of Morgan Hardy, a minor, with respect to any and all claims that have arisen, might arise or could arise by reason of the August 1, 2003, accident (which is the subject of the above-captioned lawsuit), and any and all injuries, damages, expenses, subrogations and/or losses resulting therefrom.
3. The Court finds that it is appropriate for plaintiffs' attorneys to be awarded a one-third ($1/3^{\text{rd}}$) contingency fee from the settlement proceeds.
4. The plaintiffs, Lisa Hardy and/or Michael Hardy, and their attorneys, shall satisfy any and all hospital liens or state and/or federal liens, as applicable from the proceeds of the settlement and compromise, if any, and the Court finds based upon the certification of plaintiffs' attorneys, on behalf of the plaintiffs that no TennCare or Medicare liens exist in the present case.
5. To the extent, if any, that the Complaint filed herein in this Order may not comply with the requirements of Title 34, Chapters 1, 2 and 3 of the Tennessee Code Annotated, the Court waives such requirements pursuant to Tennessee Code

Annotated section 34-1-121, as the Court finds that it is in the best interests of the minor child, Morgan Hardy, to do so.

6. As to the minor Morgan Hardy, individually, and the claims of Lisa Hardy and Michael Hardy, individually, and as parents, natural guardians and next friends of the minor, Morgan Hardy, this cause shall be and hereby is, dismissed with full prejudice.

Enter this the 19th day of JAN, 2006.



JUDGE

APPROVED FOR ENTRY:

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